THE CHIEF JUDGE said that it could not be done.

MR. S. KRISHNASWAMI RAO said that the small cause decisions should be made appealable.

The first alternative mentioned in the statement was then put to vote and passed by a majority.

IV. Bill to amend the Mysore Land Revenue Code, 1888.

THE LEGAL REMEMBRANCER explained the scope of the proposed measure of legislation.

It has been found necessary to make provision in the Land Revenue Code for allowing lands to be taken up on short leases and special terms, and for enforcing such leases and terms. It is therefore proposed to introduce the following provisions in the Land Revenue Code, *viz.*,

To Section 66 of the Land Revenue Code, the following proviso will be added:—

Provided that nothing in this or any other section shall make it or shall be deemed to have made it, unlawful for the Deputy Commissioner at any time to grant permission to any person to occupy unalienated, unoccupied land, for such period and on such conditions as he may, subject to rules made by Government in this behalf, prescribe, and in any such case the occupancy shall, whether a survey settlement has been extended to the land or not, be held only for the period and subject to the conditions so prescribed.

After Section 66, add the following sections:—

66A. In any case where an occupancy is not transferable without the previous sanction of the Deputy Commissioner, and such sanction has not been granted to a transfer which has been made or ordered by a civil court or on which the court's decree or order is founded,

(*a*) such occupancy shall not be liable to the process of any court, and such transfer shall be null and void, and

(*b*) the court, on receipt of a certificate under the hand and seal of the Deputy Commissioner, to the effect that any such occupancy is not transferable without his previous sanction and that such sanction has not been granted, shall remove any attachment or other process placed on, or set aside any sale of, or affecting, such occupancy.

66B. Any person unauthorisedly occupying or wrongfully in possession of, any land to the use and occupation of which he has ceased to be entitled under any of the provisions of this Regulation, may be summarily evicted by the Deputy Commissioner.

It is also proposed to amend Section 135 of the Code so as to enable the Deputy Commissioner to utilise the agency of the Village Panchayets for the disposal of lands set apart for building sites.

MR. NAGAPPA SETTY enquired whether a person getting lands on concession may not after spending some money for its improvement, alienate it either for borrowing money or for ultimately selling it on account of continued losses. He thought that he should have power to do it.

THE REVENUE COMMISSIONER replied that he could do it only by obtaining previous permission of the Deputy Commissioner.

MESSRS. C. SUBBA RAO and B. NARASINGA RAO pointed out that when a man took a land on *darkhast*, the right of occupancy would be given to him in perpetuity but that, by the proposed amendment, he would have no power to alienate it at all. This, they thought, would be taking away the powers which he enjoyed at present.

THE THIRD MEMBER OF COUNCIL explained that the sanction required under the proposed amendment was not applicable to ordinary *darkhasts* but was meant to apply only to lands granted for a special purpose.

MR. C. SUBBA RAO laid stress on the fact that if a man applied for *darkhast*, there was nothing to prevent the Deputy Commissioner to impose any conditions on his powers of enjoyment in accordance with the proposed measure. This measure would give the Deputy Commissioner more powers than he was exercising hitherto. It might be taken for granted that the Deputy Commissioner would not ordinarily impose such conditions; but all the same it was not right to provide for such powers being exercised under any circumstances in the case of ordinary *darkhasts*.

THE THIRD MEMBER OF COUNCIL explained that Government would frame rules under which those powers could be exercised by the Deputy Commissioner, and that it would be made clear therein that this section would not apply to ordinary *darkhasts*.

MR. B. NARASINGA RAO thought that a provision of the kind proposed would open up a very broad question and that some officers might be very sympathetic while others might rigidly follow the letter of the law. Referring to the same amendment brought up before the Bombay Legislative Council, he said that the late Mr. Gokhale had opposed it tooth and nail and when it was found that the Government did not agree with the view, many members walked out of

the Council in protest. Mr. Narasinga Rao did not believe that the amendment was as innocent as it was explained to be.

THE FIRST MEMBER OF COUNCIL said that it would be made clear that the right of permanent occupancy over lands would not be affected by this amendment and that this section would apply only to special cases and classes of lands. He enquired whether instead of saying "provided that nothing in this . . . . . " another section might be framed to say "it shall also be lawful for the Deputy Commissioner to grant lands under special conditions . . . "

MR. NARASINGA RAO said that there was no need for such a rule as it was already provided for in the original section.

MR. BELUR SRINIVASIENGAR enquired how the terms 'special classes' and 'special cases' would be defined. He was of opinion that that would again give power to the Deputy Commissioner for summary ejection.

MR. D. S. MALLAPPA was of opinion that if summary powers were given to the Revenue officers, there would be difficulty in fighting out the cases in the civil courts. He therefore thought that the amendment would seriously prejudice the interests of the raiyats.

MR. VEMA REDDY was of opinion that the proposed provision was quite necessary in the interests of the Depressed Classes who were generally prevailed upon to apply for lands and to alienate them to others later. He added that if there was any flaw in the language it might be remedied but he agreed with the principle embodied in the proposed measure.

THE FIRST MEMBER OF COUNCIL pointed out that it would be possible to make provision in Section 66 itself for a perpetual occupation and to add another section somewhat to the following effect, *viz*:—

"that it shall be lawful for the Deputy Commissioner at any time to grant permission for any special purpose . . . . . under proper conditions under the rules to be prescribed by Government."

MESSRS. BELUR SRINIVASIENGAR and N. G. SANJEEVIAH said that the power of framing rules lay with Government and that the Assembly was not being consulted.

THE SECRETARY TO GOVERNMENT, LAW DEPARTMENT, replied that the Rules would be published for general criticism two months in advance of their final adoption.

THE THIRD MEMBER OF COUNCIL said that if any hardship was felt in the operation of the rules framed by

Government, it was open to the members of the Assembly to bring it to notice.

MR. MAHOMED ABBAS KHAN suggested that the words 'under any of the provisions of this Regulation' occurring in the proposed section 66B might be altered to 'under this section.'

THE FIRST MEMBER OF COUNCIL replied that the proposed section would be added on to the previous section.

MR. C. NARASIMHAIYA pointed out that the word 'unauthorisedly' occurring in clause 66B might be deleted as it seemed superfluous.

THE FIRST MEMBER OF COUNCIL agreed with this view.

MESSRS. MAHOMED ABBAS KHAN and BELUR SRINIVASIENGAR requested that revised amendment proposed by the First Member of Council might be placed before the Assembly again for its approval the next day.

This was agreed to.

V. Amendment of the Village Courts Regulation empowering Village Munsiffs to entertain Suits up to Rs. 50.

THE LEGAL REMEMBRANCER explained the general principles of the measure as follows:—

Under Section 11 of the Mysore Village Courts Regulation, 1913, suits whose amount or value does not exceed Rs. 20 are cognizable by Village Courts and under Section 12, with the written consent of both the parties executed before the court, a Village Court may hear and determine suits of the nature described in Section 11, the amount or value of which shall not exceed Rs. 200.

Since the year 1919, representations have been made in the Representative Assembly for enhancing the pecuniary jurisdiction of Village Courts up to Rs. 50. While a number of Village Courts are doing good work, others are not functioning properly at all. A general enhancement of the pecuniary jurisdiction of all the Village Courts up to Rs. 50 is not therefore necessary at present. Power will, however, be taken to increase the pecuniary jurisdiction of such of the Village Courts as are functioning satisfactorily up to Rs. 50.

A Bill to this effect will be introduced in the Legislative Council.

MR. T. NANJAPPA (Chamber of Commerce) enquired whether the provisions of this Regulation would be made

applicable to the cities also. He reminded the Government said that when the question had come up before the Assembly on a previous occasion, the then Chief Judge thought that this Regulation might be applied to the cities also.

THE THIRD MEMBER OF COUNCIL pointed out that when there was a necessity for it, the matter might be brought up for consideration.

The Bill was unanimously passed.

VI. Bill to consolidate and amend the Law relating to Motor Vehicles in Mysore.

THE LEGAL REMEMBRANCER explained the necessity for and the scope of the measure as follows:—

At present the law relating to motor vehicles in Mysore is contained in Regulation IV of 1913, based on the Madras Act of 1907, and in Regulation II of 1925. Since then the law in British India on the subject has undergone changes and has been consolidated by Act VIII of 1914, which has again been amended by Acts XXVII of 1920 and XV of 1924.

To secure reciprocity in the matter of licensing and registration of motor vehicles between Mysore and British India and other Indian States, it is necessary that our law on this subject should be brought into conformity with the law in those places. But certain provisions found in the British Indian law and the law of certain Indian States are not to be found in our Regulation. In order to bring our law relating to motor vehicles into line with that in British India and other Indian States, it is proposed to consolidate and amend the law on the lines of the Indian Act.

The following are the more noticeable provisions of the Bill proposed to be introduced:—

(*i*) The definition of the expression "Motor Vehicle" has been slightly altered so as to include vehicle propelled by electrical power. The definition of "Registering Officer" has been omitted and power has been taken to define the expression in the rules.

(*ii*) Provision is made for holding the owner responsible for allowing a person under 18 years of age to drive a motor vehicle.

(*iii*) Provision is made for punishing a person for reckless, inconsiderate and negligent driving.

(*iv*) The owners of motor vehicles are prohibited

from employing unlicensed drivers and no person shall drive a motor vehicle unless he is licensed, an exception being made with safeguards in the case of persons receiving instruction in driving.

(*v*) Provision is made for the posting of notices in public places so as to facilitate the safe driving of vehicles and forewarn care in cases of insecurity of roads.

(*vi*) Provision is also made to secure reciprocity with British India and other States in respect of motor vehicles going out of and coming into Mysore.

(*vii*) Power is reserved to Government or a court to cancel or suspend any license or to declare any person disqualified for obtaining a license.

MESSRS. M. S. LINGE GOWDA and N. G. SANJEEVIAH objected to item (ii) holding the owner responsible for allowing a person under 18 years of age to drive a motor vehicle, and urged that the clause should be made more explicit so as not to penalise the owner for offences committed without his knowledge.

MR. BELUR SRINIVASIENGAR explained that if the owner allowed it then alone he would be answerable and not otherwise.

MR. BAGAMANE DYAVE GOWDA suggested the inclusion of another clause saying that bright lights should not be used in the busy parts of the town.

MR. G. B. RAGHAVENDRACHAR was of opinion that unless the Police were properly trained for regulating traffic, no amount of rules would be of any use.

THE THIRD MEMBER OF COUNCIL said that that question did not arise, although arrangements were made to train Policemen in the way suggested.

MR. G. B. RAGHAVENDRACHAR pointed out that accidents were caused by flashing head lights being allowed to be used and that they should be properly controlled.

THE THIRD MEMBER OF COUNCIL replied that there was no proper mechanical contrivance to show half lights, in the absence of which it was difficult to do anything in the matter.

MR. VENKATASAMI GOWDA (Malur) suggested that provision should be made to see that no license was given to habitual drunkards.

THE SECRETARY, LAW DEPARTMENT, replied that it was impracticable as it would be difficult to say that the driver would not take to drinking after he got his license.

MR. K. T. BHASHYAM IYENGAR suggested that the

expression 'for allowing an unlicensed man to drive' would be better than the expression used in item (ii) since license would not be given to any one under 18 years of age. He also added that the latter case was provided for in item (iv).

MR. BELUR SRINIVASIENGAR pointed out that in one case it was a question of 'allowing' and in the other of 'employing.'

THE THIRD MEMBER OF COUNCIL did not see any harm in making the meaning clear as in the Bill.

MR. S. VENKTESIAH thought that when once a license was granted, the owner should not be held responsible for the age of the licensee.

MR. G. B. RAGHAVENDRACHAR thought that item (ii) might remain as it was and pointed out that when the licensed driver was not readily available, it was usual for some dependent of the owner to drive and that the provision was intended to meet cases of the kind.

MR. T. NANJAPPA pointed out that when once a license was granted, it should be presumed that the driver was of over 18 years of age and that the owner should not be made responsible if later on it was found that he was below that age. Unless that was made clear, he added, item (ii) would be a real hardship.

THE THIRD MEMBER OF COUNCIL said that the matter would receive the consideration of the Select Committee of the Legislative Council.

The principles of the Bill were thereupon unanimously accepted by the House.

VII. Bill to further amend the Mysore Registration Regulation of 1903.

LEGAL REMEMBRANCER explained the principles and objects of the measure to the following effect :—

Certain measures of decentralisation of powers for the better administration of the Registration Department are considered necessary and this requires certain changes in the existing Regulation, which have now been proposed.

The changes referred to relate to the power of the Inspector-General of Registration in respect of appointments, promotions, transfers and punishment of Sub-Registrars.

Also it is considered that in cases in which a document has been improperly accepted for registration, it is desirable to allow the document to be registered over again within four months from the discovery of the mistake, this period being reduced to three months in the case of documents registered prior to the passing of the Bill.

Bill to further amend the Mysore Registration Regulation I of 1903.

Whereas it is expedient to further amend the Mysore Registration Regulation, 1903, it is hereby enacted as follows:—

Short Title and Commencement.

1. This Regulation may be called the Mysore Registration Amendment Regulation, 19... .....and will come into effect from .....

Amendment of Section 6, Regulation I of 1903.

2. To Section 6 of the said Regulation, the following proviso shall be added, *viz.*—

..Provided that the Government may delegate, subject to such restrictions and conditions as they think fit, to the Inspector-General of Registration the power of appointing Sub-Registrars.

Amendment of Section 11, Regulation I of 1903.

3. In Section 11 for the words "the Government fills up the vacancy" substitute the words "the vacancy is filled up."

Amendment of Section 12, Regulation I of 1903.

4. In the first paragraph of Section 12 before the word "All." insert the words "all appointments made by the Inspector-General of Registration under Section 6 and"

Amendment of Section 12, Regulation I of 1903.

5. To the second paragraph of Section 12 add the words "and the Inspector-General of Registration may, subject to such conditions and restrictions as the Government may impose, exercise the like power in the case of Sub-Registrars appointed by him."

6. After Section 23 the following section shall be inserted, *viz.* :—

Registration of Documents.

23A. Notwithstanding anything to the contrary contained in this Regulation, if in any case a document requiring registration has been accepted for registration by a Registrar or Sub-Registrar from a person not duly empowered to present the same, and has been registered, any person claiming under such document, may within four months from his first becoming aware that the registration of such document is invalid, present such document or cause the same to be presented, in accordance with the provisions of Part VI for re-registration in the office of the Registrar of the district in which the document was originally registered and upon the Registrar being satisfied that the document was so accepted for registration from a person not duly empowered to present the same, he shall proceed to the re-registration of the document as if it had not been previously registered, and as if such presentation for re-registration was a presentation for registration made within the time allowed therefor under Part IV, and all the provisions of this Regulation, as to registration of documents, shall apply to such re-registration : and such document, if duly re-registered in accordance with the provisions of this section, shall be deemed to have been duly registered for all purposes from the date of its original registration.

Provided that within three months from .....
.....any person claiming under a document to which this section applies may present the same or cause the same to be presented for re-registration in accordance with this section, whatever may have been the time when he first became aware that the registration of the document was invalid.

On several members demanding the reasons for the amendments proposed, it was explained that under the existing Regulation, every application for leave from Sub-Registrars, had to be submitted to Government and it was Government that should notify the arrangements; that the Head of the Department had very litle powers of discipline over Sub-Registrars and that it was to obviate such difficulties and delay in making proper arrangements for work during the absence of the Sub-Registrars that the measure was proposed and that such powers had been delegated elsewhere also.

In opposing the measure, MR. MAHOMED ABBAS KHAN asked why such powers of appointment, promotion, etc., which had till now been vested in Government should be delegated to the Head of the Department. The transfer of the power of appointment must necessarily include the transfer of the power of dismissal also and this, he did not think was right. He was of opinion that the power should remain with Government as heretofore.

MESSRS. B. S. RANOJI RAO and D. S. MALLAPPA were also of the same opinion.

THE THIRD MEMBER OF COUNCIL explained that the Sub-Registrars could not exercise their functions unless their appointments were duly notified. Under the existing rules such notifications should issue from Government which meant considerable delay. It was to obviate such things that the amendment was brought up.

MR. B. S. PUTTASWAMI said that during the absence of the Sub-Registrars the Taluk Sheristedars would look after their work; that such being the case, there was no necessity to empower the Head of the Department to make any appointments; and that if such a power be delegated as proposed, he was of opinion that the backward communities would inevitably suffer.

MR. S. VENKATESIAH said that it was quite necessary that the disciplinary powers over the Sub-Registrars should be vested in the Head of the Department and that the objection taken was perhaps on the ground of recruitment. He thought that the existing rules of recruitment would apply to the Registration Department also and wanted such an assurance from Government.

THE DEWAN pointed out that the Revenue Commissioner had power to transfer and make temporary appointments of Amildars and that it was only in the fitness of things that an officer of similar status should enjoy similar powers.

MESSRS. S. C. MALLIAH and N. G. SANJEEVIAH were of opinion that the power of appointment should remain with Government as heretofore.

MR. G. B. RAGHAVENDRACHAR observed that when the Director of Agriculture, Revenue Commissioner and the Director of Public Instruction had all of them powers of appointment to offices carrying a salary up to Rs. 100, it was not clear why similar powers should not be given to the Inspector-General of Registration.

THE THIRD MEMBER OF COUNCIL pointed out that it

was not that aspect of the question that influenced Government in proposing the amendment.

MR. K. T. BHASHYAM IYENGAR while endorsing Mr. Raghavendrachar's opinion said that if the Inspector-General committed any mistake, there was always the right of appeal to Government to set matters right. Moreover, he drew the attention of the House to the object of the amendment which was to decentralise the powers.

MR. B. S. PUTTASWAMI drew the attention of the previous speaker to the position of the Chief Court which had not the power of appointing Munsiffs.

THE DEWAN replied that they had the power of nomination which was generally accepted by Government.

MR. BELUR SRINIVASIENGAR said that it was a good policy to free Government from purely routine matters so as to enable them to tackle higher problems of administration. He was of opinion that power might be delegated to the Inspector-General of Registration with a proviso that the backward communities should receive all sympathy in the matter of appointments. He was of opinion that the amendment also related to a very important matter which should be accepted by the House and that on account of the wrangling about appointments, the whole Bill should not be thrown out.

MR. B. P. BASAPPA SETTY said that there was no inconvenience in the present arrangements and that the Government did not satisfy the members about the necessity for the amendment of the Regulation.

THE DEWAN pointed out that unless there was a necessity, the amendment would not have been brought up.

MR. H. C. DASAPPA thought that as the seat of Government as well as headquarters of the Inspector-General of Registration was in the same place, there was no cause for any sort of delay in making proper arrangements and that he did not see any need for the amendment.

THE DEWAN explained that the idea was that Government should not be burdened with small details and that the amendment would give effect only to the policy of decentralisation.

Mr. VENKATARAMANE GOWDA was of opinion that the Sub-Registrars were a set of very responsible officers and that their appointments should be made by Government.

MR. MAHOMED ABBAS KHAN said that the Registration Department was, under existing rules, outside the operation of the recruitment rules and that it was mainly on account of this reason that the amendment should not be passed.

THE INSPECTOR-GENERAL OF REGISTRATION explained that it was not so and that when there were two vacancies of Probationers lately, applications therefor were invited through the Central Recruitment Board and that selections were made out of the applications received from that office. He therefore assured the members that there need be no fear that the recruitment rules not be enforced in the Registration Department. He added that the object of the amendment was not mainly to invest the Inspector-General of Registration with the powers of appointment but it was to obviate certain practical difficulties which required that for the convenience of Government, even transfers should be ordered only by Government and not by the Head of the Department causing delay and inconvenience. Referring to Mr. Dasappa's statement that there was no inconvenience at present, he pointed out that it was small things alone that took longer time for disposal and the Head of the Department at present had not even disciplinary powers over Sub-Registrars. The object of the present amendment, he concluded, was to obviate all these difficulties.

The members having accepted the latter part of the amendment objecting only to the first part, the first part relating to appointments, transfers, etc., of the Sub-Registrars was put to vote and lost, 75 members voting for and 100 against.

At this stage, the House adjourned for lunch and re-assembled at 3-45 p.m.

VIII. Statement of General Principles of a Bill to amend the Mysore Legal Practitioners' Regulation, 1884.

THE LEGAL REMEMBRANCER explained the object of the measure as follows:—

The Mysore Lawyers' Conference held at Tumkur in April 1926 passed a Resolution praying for the removal of the existing distinction between the first and second grade pleaders. This question was also brought up in the Representative Assembly during the Dasara Session of 1926. The Chief Court who were consulted in the matter have no objection to the removal of the distinction especially in view of the fact that further admission to the category of second grade pleaders has ceased. The Bill is intended to give effect to the above proposal.

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Put to vote and carried unanimously, without discussion.

IX. Statement of General Principles of the proposed measure to empower the Municipalities and Village Panchayets to take the Census of Children in the areas where Compulsory Education is introduced.

THE LEGAL REMEMBRANCER explained the general principles as follows:—

Paragraphs 13 and 14 of the Rules issued under the Elementary Education Regulation require the Deputy Commissioners and the Presidents of Municipal Councils in rural and urban areas respectively in which that Regulation is introduced to get prepared lists of children of the compulsory school-going age in the area for purposes of working the Regulation. It has been brought to notice that this duty is now not regularly done and that in consequence it has been found difficult to apply effectively the provisions of the Elementary Education Regulation in the areas in which it is introduced. It would appear that there is at present no legal provision under which this duty of taking the census may be enforced on the local authorities responsible. The places where the Elementary Education Regulation is introduced are mostly either Village Panchayets or Municipal areas. In regard to the former, it is found that there is no provision in the Village Panchayet Regulation making it the duty of Panchayets to carry out such census. In regard to the latter, there is a provision in Section 178 of the Municipal Regulation empowering Government to require the Municipality to do such duties as are imposed upon the Municipalities by the Municipal Regulation or under other enactments having the force of law and on their failing to do so, to have the duties carried out and recover the cost from the Municipalities concerned. The duty of taking census is not one of the duties specifically imposed upon the Municipalities by the Municipal Regulation. It is considered doubtful whether this duty can be imposed on them by the rules framed by Government in exercise of the powers conferred under the Elementary Education Regulation. The provision of Section 178, therefore, does not unambiguously apply to this particular duty. Both in the case of the Village Panchayets and Municipalities, therefore, it has been considered necessary to take power for the above purpose. A note explaining the

principles of certain legislation which it was intended to undertake on this account was placed before the last session of the Representative Assembly. As legislation on the lines then contemplated was not, however, pushed through and as the Assembly has in the meanwhile been reconstituted, the matter is again placed before the House. It is now proposed to slightly modify the lines of legislation as previously contemplated. Instead of leaving the duty of taking the census to the local bodies and taking power to get it done and recover the cost of it only on their failure to take the census, it is now intended to give the work of taking the census to the officers of the Education Department and only recover the cost of the census from the local bodies concerned. The idea is that the Attendance Officers in each locality will, with the help of the school masters and such officials of the local body as may be available carry out the census more conveniently and with little cost. It is expected that the cost in each case will be so small that the local bodies will have no objection to meet it. It is proposed to amend Section 54 of the Municipal Regulation and Section 20 of the Village Panchayet Regulation accordingly.

MR. G. B. RAGHAVENDRACHAR said that the heading was not clear as the obligatory duty of the Municipalities and Village Panchayets for taking the census was proposed to be transferred to the officers of the Education Department the cost of the census being recovered from the local bodies concerned.

MR. S. VENKATESIAH wanted to know what the position of the District Boards who sanctioned the levy of the Education Cess would be under the new scheme.

THE LAW SECRETARY replied that the District Boards had nothing to do in the matter.

Mr. KESHAVIAH observed that the local bodies being very poor, they might not be in a position to bear heavy expenditure in this behalf and that if the cost involved was within Rs. 20 or Rs. 25, it would not matter much.

MR. T. NANJAPPA said that the matter should not be viewed from the standpoint of cost but from the undoubted advantages derivable therefrom.

MR. MAHOMED ABBAS KHAN was of opinion that even at the risk of incurring heavy expenditure, the census work had to be done satisfactorily. The Bangalore City Municipality had been trying their level best to collect correct statistics but could not succeed for want of special establishment for the purpose and power under the Munici-

pal Regulation. He was of opinion that the proposed measure was very necessary for the satisfactory working of the Compulsory Education Scheme.

MR. G. B. RAGHAVENDRACHAR said that till 1921, the Education Department used to provide some money in their budget for the purpose, but for some reason or other, stopped doing so and entrusted the work to the local bodies. The result was that the scheme did not work satisfactorily. At present the Compulsory Education Scheme was only in name and was not functioning well. He thought that in the interests of the satisfactory working of the Compulsory Education Scheme the local bodies would not hesitate to meet the small expenditure for the purpose.

MR. C. NARASIMHAIYA observed that in the Mysore District, census of children of school-going age was taken twice within the previous 4 years without any difficulty and that the parents that did not send their children to schools were requested to do so. He said he was not aware of the reasons why the scheme did not work satisfactorily in the Bangalore City Municipality. He was of opinion that if the Government transferred the control over primary education to the local bodies and gave them larger grants for managing it, there was sure to be rapid progress in primary education.

MR. M. C. LINGE GOWDA observed that it might not be possible for Government to provide larger grants for primary education as suggested by Mr. Narasimhaiya and that as the expenditure which the local bodies had to meet under the proposed scheme for taking census was very small, it might be approved.

The principles were unanimously accepted.

X. The Agriculturists' Relief Bill.

On the recommendation of the Committee on Malnad Improvement who were also of opinion that the establishment of Land Mortgage Banks would not by itself meet all the requirements of the indebted agriculturists of the malnad and that there should be legislation in the State on the lines of the Deccan Agriculturists' Relief Act, a Bill based on the provisions of the Deccan Agriculturists' Relief Act was placed before the Legislative Council after approval of its principles by the Representative Assembly. The consideration of the Bill was however postponed and the provisions of the

Bill further examined with reference to ascertained experience of the operation of similar enactments elsewhere in India. As a result of this enquiry the Bill has been modified and its main features in its present form are described below.

The operation of the measure is restricted to those for whose protection it is primarily intended, *viz.*, those who personally cultivate the soil or who would do so but for age, sex or bodily infirmity and to those whose real income from other sources does not exceed Rs. 300 and aggregate net income from all sources does not exceed Rs. 600. Provision is made to give discretion to courts notwithstanding Section 92 of the Evidence Act to declare a transaction to be a mortgage when it is actually such, although documents may describe it as a sale.

When a creditor's claim is disputed the court is given power to go into the whole history of the transaction from the commencement with a view to take accounts and to give relief to the debtors by disallowing compound interest and setting off profits, services and other advantages.

Courts are given discretion—

(1) to decree redemption immediately or after a certain time as they may think equitable and fair to the parties, and

(2) to order payments in such instalments as may appear to be equitable in cases of decree for redemption, foreclosure or sale.

No agriculturists can be arrested or imprisoned in execution of a decree for money.

Immovable property belonging to agriculturists cannot be attached or sold in execution of a decree or order unless it has been specifically mortgaged for payment of the decree.

The Mysore Agriculturists' Relief Bill.

Preamble.

Whereas it is expedient to protect agriculturists in Mysore in their dealings with money-lenders, it is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title and commencement.

1. This Regulation may be called the Mysore Agriculturists' Relief Regulation, 192 , and it shall come into force on the first day of . . . . 192 .

Extent.

It extends only to such districts or parts of districts as may be notified by Government from time to time in the Official Gazette and Government may, by a like notification, exclude from its operation any area to which it had been extended.

Construction.

2. In construing this Regulation, unless there is something repugnant in the subject or context—

First.—"Agriculturist" shall be taken to mean a person who ordinarily engages personally in agriculture in Mysore Territory, provided that his yearly income from sources other than agriculture does not exceed Rs. 300, and that his aggregate net income from all sources does not exceed Rs. 600.

Explanations.

(*a*) A person who is a female or minor member of the family of an agriculturist as above defined and who has, as such, a right either to be maintained by him or to participate in the family agricultural income shall be deemed to be an agriculturist for the purposes of this Regulation.

(*b*) A person does not cease to be an agriculturist within the meaning of the definition if he is prevented from cultivating land by age or physical infirmity, or if he temporarily ceases to do so owing to necessity or reasonable cause.

(*c*) A person otherwise coming within the definition shall not be considered to be an agriculturist in reference to a certain transaction unless he or the person through whom he claims was also an agriculturist, as hereby defined, at the time when the transaction took place.

(*d*) A question of status raised and decided or withdrawn at any stage of the suit, or not raised at all though it could have been raised, cannot be re-opened or raised after the final decree in the suit, in proceedings connected with execution of that decree.

(*e*) An assignee of Government revenue or a mortgagee as such is not an agriculturist within this definition.

Second.—"Money" shall be deemed to include agricultural produce, implements and stock.

Third.—"Standing crops" shall include crops of all sorts attached to the soil, and leaves, flowers and fruits upon, and juice in, trees and shrubs.

CHAPTER II.

SCOPE OF THE REGULATION AND JURISDICTION OF COURTS.

3. The provisions of this Regulation shall apply to—

Application of this Regulation.

(i) Suits in which the defendant or only one of the defendants is an agriculturist for the recovery of money alleged to be due to the plaintiff—

on account of money lent or advanced to, or paid for, the defendant; or as the price of goods sold; or

on an account stated between the plaintiff and the defendant, or

on a written or unwritten engagement for the payment of money not hereinbefore provided for;

(ii) suits in which the defendant or any one of the defendants is an agriculturist for the recovery of money due on contracts other than the above and suits for rent for movable property, or for the value of such property, or for damages;

(iii) suit for foreclosure or for the possession of mortgaged property, or for sale of such property, or for foreclosure and sale, when the defendant or any one of the defendants is an agriculturist; and

(iv) suits for the redemption of mortgaged property when the plaintiff, or, where there are several plaintiffs, any one of the plantiffs is an agriculturist.

4. Whenever it is alleged at any stage of any suit or proceedings to which an agriculturist is a party that any transaction in issue entered into at any time after..... .....day of 192.... by such agriculturist or the person, if any, through whom he claims was a transaction of such a nature that the rights and

Power of Court to determine nature of transactions and to admit evidence of an oral agreement or statement.

liabilities of the parties thereunder are triable wholly or in part under this chapter, the Court shall, notwithstanding anything contained in Section 92 of the Indian Evidence Act, 1872, or in any other law for the time being in force, have power to inquire into and determine the real nature of such transaction and decide such suit or proceedings in accordance with such determination and shall be at liberty, notwithstanding anything contained in any law as aforesaid, to admit evidence of any oral agreement or statement with a view to such determination and decision.

Provided that such agriculturist or the person, if any, through whom he claims was an agriculturist at the time of such transaction.

Provided further that the matter comes, or is brought, before the Court in a suit instituted, or a proceeding commenced within six years of the date on, which the person complaining, or the person through whom he claims, was actually dispossessed of the property affected by such transaction, by the other party thereto or his representative, or within two years of the date on which this Regulation comes into force, whichever be the longer period.

Provided also that, notwithstanding anything stated in the Code of Civil Procedure or any other law for the time being in force, a suit for mere declaration only of the real nature of the transaction shall lie, and that such declaration shall not effect the right to bring a subsequent suit for consequential relief in reference to such transaction.

Illustrations.

(*a*) A landlord sues for possession of land leased by him to an agriculturist. The defendant alleges that he mortgaged the land with possession to the lessor, who is entitled to its possession only as such mortgagee and not as owner, and asks that he may be allowed to redeem the mortgage without being ejected. The Court may admit evidence on this allegation and, if satisfied that it is correct, may decline to eject the defendant as tenant, and allow the suit to be converted into one for redemption of the mortgaged property.

(*b*) An agriculturist sues to redeem property alleged to have been mortgaged by a deed in the form of a lease. The Court may admit evidence of the intention of the parties outside the deed in order to determine whether the transaction was a mortgage or a lease, and if satisfied that

the transaction was a mortgage may enforce the deed as a mortgage-deed.

(*c*) A money-lender sues to enforce a sale-deed entered into by an agriculturist. If was alleged that there was a contemporaneous oral agreement that the transaction should be deemed to be mortgage. The Court may admit evidence of such oral agreement and if satisfied of the existence of the agreement may decline to enforce the deed as a sale-deed.

(*d*) An agriculturist sues to redeem property alleged to have been mortgaged by a deed in the form of a sale. The Court may admit evidence of the intention of the parties outside the deed in order to determine whether the transaction was a mortgage or a sale, and if satisfied that the transaction was a mortgage may enforce the deed as a mortgage-deed.

Agriculturists to be sued where they reside.

5. Every suit of the description mentioned in Section 3 shall, if the defendant, or where there are several defendants any one of such defendants is an agriculturist, be instituted and tried in a Court within the local limits of whose jurisdiction such defendant resides.

Provided that nothing herein contained shall affect the provisions of Sections 22 to 24 of the Code of Civil Procedure, 1911.

Explanation.—An agriculturist shall be deemed to reside in the place where he engages himself in agriculture.

6. The Court shall examine both the plantiff and the defendant unless, for reasons to be recorded by it in writing, it deems it unnecessary or impossible to do so.

If the amount of the creditor's claim is disputed, it shall enquire as far as possible into the history and merits of the case out of which the suit has arisen from the commencement of the transactions between the parties or the persons, if any, through whom they claim.

7. When the Court inquires into the history and merits of a case under Section 6, it shall notwithstanding any agreement between the parties or the person (if any) through whom they claim, as to allowing compound interest or setting off the profits of mortgaged property without an account in lieu of interest, or otherwise determining the manner of taking the account, and notwithstanding any statement or settlement of account or any contract purporting to close previous dealings and create a new obligation, open

the account between the parties from the commencement of transactions and take that account according to the following rules (that is to say):—

(*a*) separate accounts of principal and interest shall be taken;

(*b*) in the account of principal there shall be debited to the debtor such money as may from time to time have been actually received by him or on his account from the creditor, and the price of goods, if any, sold to him by the creditor as part of the transactions;

(*c*) in the account of principal there shall not be debited to the debtor, any accumulated interest which has been converted into principal at any statement or settlement of account or by any contract made in the course of the transactions, unless the Court, for reasons to be recorded by it in writing, deems such debit to be reasonable;

(*d*) in the account of interest there shall be debited to the debtor, monthly simple interest on the balance of principal for the time being outstanding, at the rate allowed by the Court as hereinafter provided;

(*e*) all money paid by or on account of the debtor to the creditor or on his account and all profits, service or other advantages of every description, received by the creditor in the course of the transactions (estimated, if necessary, at such money value as the Court in its discretion, or with the aid of arbitrators, appointed by it, may determine) shall be credited first in the account of interest, and when any payment is more than sufficient to discharge the balance of interest due at the time it is made, the residue of such payments shall be credited to the creditor in the account of principal;

(*f*) the accounts of principal and interest shall be made up to the date of instituting the suit, and the aggregate of the balances (if any) appearing due on both such accounts against the debtor on that date shall be deemed to be the amount due at that date, except when the balance appearing due on the interest account, exceeds that appearing due on the principal account, in which case double the latter balance shall be deemed to be the amount then due.

To enable the Court to make this enquiry the creditor shall produce accounts, kept in the manner hereinafter prescribed, which shall record all transactions between himself and the debtor that shall have taken place subsequent to the passing of the Regulation. With reference to transactions, if any, which took place prior to the passing

(2) In passing a decree for redemption or foreclosure in any such suit as aforesaid, the Court may direct that the amount payable by the mortgagor shall be discharged by continuing the mortgagee in possession for such further period as will enable him to recover his principal with reasonable interest, and that on the expiry of such period the property mortgaged shall be restored to the mortgagor.

Power to continue the mortgagee in possession.

(3) When amount payable to a mortgagee in possession has been determined in any such suit as aforesaid, the Court may, in its discretion, instead of making an order for payment thereof, direct that the mortgagee be continued in possession for such period (to be specified by the Court) as will in the opinion of the Court be sufficient to enable him to recover from the profits the amount payable by the mortgagor together with reasonable interest, and that on the expiry of such period the property mortgaged shall be restored to the mortgagor.

11. The Court may at any time direct that the amount of any decree passed, whether before or after this Regulation comes into force, against an agriculturist, shall be paid by instalments with or without interest.

Power to fix instalments in execution.

Where such an order is passed, the Court shall fix such instalments as it may consider equitable, and shall allow future interest at a moderate rate, unless for reasons to be recorded in writing it deems it unnecessary to do so. Instalments shall not extend over a period exceeding 8 years unless the Court thinks necessary for reasons to be recorded in writing.

12. No agriculturist shall be arrested or imprisoned in execution of a decree for money, passed whether before or after this Regulation comes into force.

Arrest and imprisonment in execution of the decree for money, abolished.

13. No immovable property belonging to an agriculturist shall be attached or sold in execution of any decree or order passed whether before or after this Regulation comes into force, unless it has been specifically mortgaged for the payment of the debt to which such decree or order relates, and the security still subsists. For the purposes of any such attach-

Immovable property exempted from attachment and sale unless specifically mortgaged.

of this Regulation, he shall submit with the plaint a statement of account between himself and debtor showing, to the best of his knowledge and belief, the advances made, the repayments admitted and how the sum claimed is arrived at.

In certain cases rent may be charged in lieu of profits.

8. Where the mortgaged property is in the possession of the mortgagee or his tenants other than the mortgagor, and the Court is unable to determine what profits have been actually received, it may fix a fair rent for such property and charge to the mortgagee such rent as profits for the purpose of Section 7.

Provided that if it be proved that in any year there was an entire or serious failure of the crops, an abatement of the whole or part of such rent may be allowed for the year.

Mortgagor entitled to decree redemption though time fixed by mortgage has not arrived, or debt has not been paid.

9. In a suit of the description mentioned in Section 3, Clause (iv) the Court may in its discretion pass a decree for redemption though the time fixed for the payment of the principal of the mortgage-money has not arrived, or though the mortgage debt has not been completely discharged.

Power to order payment by instalments in case of decree for redemption, foreclosure or sale.

10. (1) The Court may, in its discretion, in passing a decree for redemption, foreclosure or sale in any suit under this Regulation or in the course of any proceedings under a decree for redemption, foreclosure or sale passed in any such suit, whether before or after this Regulation comes into force, direct that any amount payable by the mortgagor under that decree shall be payable in such instalments, on such dates and on such terms as to the payment of interest, and where the mortgagee is in possession as to the appropriation of the profits and accounting therefor, as it thinks fit.

Where the Court decides that an amount due by a mortgagor should be paid in instalments, it shall fix such instalments as may seem equitable. It shall further allow future interest at a moderate rate unless, for reason to be recorded in writing, it deems it unnecessary to do so. Instalments shall not extend over a period exceeding 8 years unless the Court thinks necessary for reasons to be stated in writing.

ment or sale as aforesaid standing crops shall be deemed to be movable property.

14. (1) When any immovable property belonging to an agriculturist has been sold by public auction, under the provisions of the third schedule of the Code of Civil Procedure, 1911, the sale may within thirty days from the date of the auction be set aside by the Deputy Commissioner, if he considers the price bid by the purchaser to be inadequate.

(2) When the sale is so set aside, the purchaser shall be entitled to receive back his deposit or his purchase money as the case may be, and the Deputy Commissioner may re-sell the property by public auction or private contract, as he thinks fit. Every such re-sale shall be deemed to be sale under the provisions of the third schedule of the Code of Civil Procedure.

CHAPTER III.

RECEIPTS AND STATEMENTS OF ACCOUNTS.

Agriculturists entitled to written receipts.

15. The person to whom any agriculturist makes any payment of money in liquidation of a debt shall, at the time of such payment, tender to such agriculturist, whether he demand the same or not, written receipt for the amount of such payment.

To annual statement of accounts.

16. Any agriculturist to whom any amount is due under any instrument shall, on such date in each year as the Government having regard to local custom may from time to time, by notification in the Official Gazette fix, be entitled to receive, on demand, from the person claiming under such instrument a statement up to that date of his account under such instrument.

To have account made up from time to time in a pass book.

17. Any agriculturist in whose name an account is kept by any trader or money-lender, shall be entitled to receive from such trader or money-lender, on demand, a pass book and to require from time to time, that his account up to date be written therein and authenticated by the signature or mark of the said trader or money-lender.

An entry so made in any such pass book or any payment made to the trader or money-lender shall be deemed to

be equivalent, for the purposes of Section 15, to the grant of a receipt for the amount so entered.

No person whose account has been written in a pass book as required by this section shall be entitled also to demand an account under Section 16.

Penalty for contravention of Sections 15 to 17.

18. Any person who in contravention of Section 15, 16, or 17 refuses or neglects to tender a receipt or a statement of account or a pass book, or to write, or cause to be written, any account or any part of an account in a pass book, or to attest the same when so written, shall be punished for each such offence with fine which may extend to one hundred rupees.

CHAPTER IV.

MISCELLANEOUS.

Mortgages, etc., to be valid only when written.

19. No mortgage, lien or charge of or upon any immovable property belonging to an agriculturist shall be valid unless it is created by an instrument in writing under the hand of the person creating such mortgage, lien or charge.

Nothing in this section shall apply to any mortgage, lien or charge, created by mere operation of law, or in favour of the Government or of any officer of the Government in his official capacity.

20. The last clause of Rule 2 of Order XXI of the Code of Civil Procedure shall not apply to payments out of Court made in any proceeding under this Regulation in any case where an acknowledgment by the judgment creditor for the same is produced or when the payment is either admitted by him or proved.

Rate of interest allowable on taking an account.

21. In taking an account under Section 7 or in any suit under this Regulation where interest is chargeable, such interest shall be awarded at the following rates :—

(*a*) The rate, if any, agreed upon between the parties, or the persons (if any) through whom they claim, unless such rate is deemed by the Court to be unreasonable ; or

(*b*) if such rate is deemed by the Court unreasonable, or if no rate was agreed upon, or when any agreement

between the parties or the person (if any) through whom they claim, to set-off profits against interest and assessment and similar charges without an account has been set aside by the Court such rate as the Court may deem equitable, taking into consideration the nature of the security, if any, and the normal rate of interest prevailing in the locality.

Jurisdiction of Munsiff and Small Cause Courts.

22. The Government may, from time to time by notification in the Official Gazette, direct that any class of suits which a Munsiff would be precluded from hearing by Section 4 of the Small Cause Courts Regulation, 1911, shall be heard and determined by him and not otherwise and may, by a like notification, cancel any such direction.

23. In any suit of the description mentioned in Section 3, Clause (i) for the recovery of money from a person who at the time when the cause of action arose for an agriculturist, in any of the districts notified under Sub-para (2) of Section 1, the following periods of limitation shall be deemed to be substituted for those prescribed in the second column of the second schedule annexed to the Mysore Limitation Regulation (that is to say):—

(*a*) When such suit is founded on a written instrument registered under this Regulation or any law in force at the date of execution of such instrument, 12 years;

(*b*) in any other case, six years; provided that nothing in this section shall—

(i) apply to a suit for the recovery of money from person who is a surety merely of the principal debtor if the principal was not, at the time when the cause of action arose, an agriculturist, in any of the districts aforesaid, or

(ii) revive the right to bring any suit which would have been barred by limitation if it had been instituted immediately before this Regulation comes into force.

Civil Procedure Code to apply in Munsiffs' Courts.

24. Except in so far as it is inconsistent with this Regulation the Code of Civil Procedure shall apply in all suits and proceedings before Munsiffs under this Regulation.

Additional powers to make rules.

25. The Government may, from time to time, make all such rules as it may deem necessary for carrying out the provisions herein contained.

26. All rules made by the Government under this Regulation shall be published in the Official Gazette and shall thereupon in so far as they are consistent with this Regulation have the force of law.

Rules to be published.

In explaining the general principles of the Bill, the LEGAL REMEMBRANCER briefly recapitulated the history of the Deccan Agriculturists' Relief Act from its commencement down to the present day and explained in detail the benefits that the poor raiyats would derive if the proposed measure was introduced in the State.

MR. B. S. PUTTASWAMI moved that the Bill before the House be postponed for consideration after the report of the Royal Commission on Agriculture had been published.

MR. B. P. BASAPPA SETTY seconded the motion.

MR. NILGIRI SANJEEVIAH opposed the motion on the ground that the Deccan Agriculturists' Relief Act did not come within the scope of the terms of reference to the Commission and as such they were not likely to say anything about it. The raiyats had been labouring under great difficulties and it was high time that they were given some relief. He was firmly of opinion that not one of the poor raiyats raised any objection to the Bill and the opposition came mainly from money-lenders and rich landlords. As such, there was no justification to postpone its consideration any further. In addition to the statement of objects and reasons, the whole Bill had been made available to the members and they were welcome to make suitable changes here and there to help the poor raiyats. If the opponents to the measure had before coming to the Assembly called a meeting of their constituents, laid before them the alleged defects in the Bill and obtained a mandate from them to oppose the measure they might mention the fact to the House. Not having done so, it was not right for them to oppose a piece of legislation calculated to promote the best interests of the raiyats.

MR. GURUMURTHIACHAR and a few others supported this view.

MR. HOSAKOPPA KRISHNA RAO said that the Bill had been placed before the Legislative Council in December last, but could not be discussed for want of time. The same thing happened in the last session of this Assembly as it was taken up for discussion on the last day. In his opinion, there was no justification for any further postponement. He also pointed out that no previous notice of the motion having been given, it could not be considered by the House.

THE DEWAN said that the discussion on the Bill might go on.

MR. HOSAKOPPA KRISHNA RAO continuing said that the Bill under discussion was a very important one from the point of view of the raiyats and should be viewed with a very broad mental outlook. There was no doubt that a few rich people might be adversely affected by the measure, but considering that it does the greatest good to the largest number of persons, it should receive favourable consideration at the hands of the House.

India was an agricultural country, and nearly 90 per cent of the Indians were agriculturists the majority of whom were very poor and steeped in indebtedness. Indebtedness was a very serious malady in India and to remedy it various expedients were resorted to by expert financiers of the Government of India for some years past. He said that the efforts of the British Government in this direction began in the year 1832 and later when the question was referred to the Revenue officers in the Bombay Presidency, every one of them reported in favour of legislative action. The result was the passing of the Deccan Agriculturists' Relief Act. There was a very influential class of opponents to the measure. On the suggestions made by them from time to time, various Commissioners were appointed to report upon the working of the Act and in spite of the adverse reports of a few officers of Government the Act was left intact. But the Mysore Government profiting by the experience in Bombay, had incorporated all the latest improvements suggested in Bombay, in the Bill before the House. From his own experience of the working of the Act in the Bombay Presidency, he could say that the lot of the raiyats in that Presidency had really improved to a very large extent.

Referring to the Bill before the House Mr. Hosakoppa Krishna Rao said that it was different in material particulars from the one placed before the House on the previous occasion. He added that Government having accepted the recommendation of the Malnad Improvement Committee in regard to the establishment of Land Mortgage Banks, they should go a step further and actually start such banks without which the measure under discussion would not be effective. When this was done, he thought that opposition would immediately break down.

Speaking about the details of the Bill, he said that the definition of the agriculturist as given in Paragraph 2 of the statement would not satisfy the people unless its scope was

widened. He said that unlike the Maidan, there were very few small land-holders in the Malnad; and nearly every one of them was largely indebted. By restricting the operation of the measure as proposed in the definition above mentioned, litigation was sure to increase and needlessly prolonged. These land-holders had no income in point of fact and they required relief which the proposed Bill did not afford.

Referring to the opposition to the measure on the ground that credit would inevitably decrease after its introduction, Mr. Hosakoppa Krishna Rao said that a man with very little credit would work hard and try to see that he obtained credit. On the other hand, a man having no credit would get slovenly, borrow on the security of his property and squander the amount. It was when the point of desparation was reached that help was necessary to him and that was the object of the Bill. When a man once burnt his fingers by heavy indebtedness and got adequate help from Government, he would not again involve himself in debts. That was generally the human nature.

The people of the Malnad, Mr. Krishna Rao said, had been asking for a measure of the kind for a long time past and it behoved Government to pass this Regulation in spite of some opposition from the rich. He admitted that in the initial stages, *sowcars* would be prejudiced to some extent, but in the long run, he was sure that the measure would be helpful to them also.

He repeated that this measure of legislation was primarily meant for the Malnad and the fact had been mentioned in the preamble of the Bill placed before the House on a previous occasion, and he failed to see why such a statement had not been included in the measure now before the House. He was of opinion that conditions in the Malnad were quite different form those in the Maidan and if the Bill should serve both these tracts, there should be some difference in the treatment of the raiyats in both tracts. He was of opinion that for the present it should be made applicable only to the Malnad.

Mr. M. S. Linge Gowda was of opinion that the Bill was opposed mainly by the rich who said that it would not benefit the poor raiyats. From the personal enquiries made by him in the districts it appeared that there was very good demand for a measure of this kind and people were anxiously awaiting its passage through the Council. Agreeing with Mr. Hosakoppa Krishna Rao, Mr. Linge Gowda said that there were a number of defects in the Bill which ought

to be removed. The main difficulty of the raiyats was that when they took the instalments of their loan amount for repayment to the creditor, the latter would say that there was no hurry for the repayment and that it could be paid later on at leisure. Or sometimes, he would take the money and postpone giving a receipt or making an entry in his accounts with the result that there would be neither a receipt nor an entry in his accounts. In this way, many raiyats were being ruined. In his opinion, the Bill under consideration was designed to put an end to all these worries and hardships to the raiyats.

MR. DEVAPPA WODEYAR said that far from benefiting the raiyats, the Bombay Act had created discord and disharmony among the people with the result that litigation had enormously increased.

MR. NAGAPPA SETTY said that ordinarily debtors would not repay their loans without the creditor having recourse to law and that under the present Bill, such litigation would not go down. In these circumstances, he did not consider that the Bill would help the raiyats very much. He was of opinion that the raiyats could get loans under the present conditions even though at high rate of interest and that after the passing of the Bill, it would be difficult for them to get such loans at all.

MR. VENKASWAMI GOWDA said that many money-lenders with scarcely any capital were doing enormous business at the expense of poor raiyats. He was of opinion that unless money-lending business itself was discouraged, there was no salvation to the raiyats. In this view, he thought that even Land Mortgage Banks would not do real service to the raiyats.

Many members opposed the measure on the ground that the money-lenders did not levy exhorbitant interest at all while the debtors themselves were putting the creditors to innumerable difficulties by not promptly repaying their dues and compelling them to have recourse to law. They also said that there were any number of cases in which money-lenders had excused interest as well as a large portion of the principal itself. They said that the statement made by several members that creditors were harassing the poor raiyats was altogether unjustifiable.

MR. SATYANARAYANA CHETTY said that even if there were some drawbacks in the Bill, they could be rectified in the several stages of the Legislative Council and if necessary be brought up for reconsideration at the Representative

Assembly. He did not think that in safeguarding the interests of a few money-lenders, the larger interests of the majority of the raiyats should be sacrificed. He agreed that under the proposed Bill, the Courts have been given the absolute discretion in certain directions which might adversely prejudice the money-lenders, but that they were matters for consideration in the Legislative Council. He exhorted the House to support the measure.

MR. GURUMURTHIACHAR said that the Bill should be made applicable not only to the agriculturists but also to small industrialists and artisans, and all poor people alike.

MR. DEVAPPA GOWDA of Mudigere Taluk observed that as the difficulties of the raiyats both in the Malnad and in the Maidan were the same, the Bill if introduced should be made applicable to the whole State or not at all.

MR. VENKATARAMANA GOWDA was of opinion that the restriction placed regarding the value of the property of the raiyat who should come under the operation of this Bill should be altogether removed and the Bill made applicable to all the raiyats.

MR. PATTABHIRAMASETTY was of opinion that the Bill should be introduced only in places where the Land Mortgage Banks also would be established and that retrospective effect should not be given to the measure.

At this stage, the Assembly adjourned to meet again at 12 noon the next day. Just before that, MR. MAHOMED ABBAS KHAN, no behalf of the Assembly, conveyed to Mr. K. Chandy, First Member of Council, the congratulations of the House on his receiving the title of " Rajasabhabhushana " in open Durbar the previous day.